

In The Court Of Appeal Of The State Of California 98
Sixth Appellate District
San Jose, California

MONDAY, JUNE 21, 1999

H016580 PEOPLE v. FINNEY, et al.
By the Court*

Appellant Finney's petition for rehearing is denied.
Dated June 21, 1999 Cottle, P.J.
*Before Cottle, P.J., Premo, J. and Elia, J.

TUESDAY, JUNE 22, 1999

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J., Mihara, J.; and W. Magsaysay, Deputy Clerk.

H017469 PEOPLE v. FRASER
H019484 IN RE FRASER ON HABEAS CORPUS

Cause called and argued by Peter Hensley appearing for appellant and petitioner and by Violet Lee, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018682 McBRIDE v. STATE OF CALIFORNIA

Cause called and argued by Donnie R. Cox appearing for appellant and by Kenneth G. Nellis appearing for respondent. Cause ordered submitted.

H018151 MAXCONN INCORPORATED v. TRUCK INSURANCE EXCHANGE

Cause called and argued by Palmer J. Swanson appearing for appellant and by Daniel S. Mount appearing for respondent. Respondent's request to file unpublished case authority for oral argument is denied. Cause ordered submitted.

H017599 LONG v. CITY OF SCOTTS VALLEY, et al.

Cause called and argued by Jay Bloombecker appearing for appellant and by Robert Logan appearing for respondents. Cause ordered submitted.

Court recesses until 1:30 p.m.

In The Court Of Appeal Of The State Of California 99
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San Jose, California

Tuesday, June 22, 1999 (continued)

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J., Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H018351 PEOPLE v. THOMAS C., A Minor

Cause called and argued by Robert Bryzman appearing for appellant and by David D. Salmon, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018917 PEOPLE v. BERNAL

Cause called and argued by Donald R. Tickle appearing for appellant and by Amy Haddix, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016709 PEOPLE v. TRAN, et al.

Cause called and argued by David Stanley appearing for appellant Tran and by Cynthia Thomas appearing for appellant Nguyen and by Jeremy Friedlander, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017969 SPEARS v. LONEY; SPEARS

Cause called and argued by Daniel Casas appearing for appellants Merle Loney, et al. and by Vincent Kilduff appearing for respondent Rosaleen Spears. No appearance for respondent Albert Spears. Cause ordered submitted.

H016617 MARRIAGE OF RESTIFO

Cause called and argued by Gregory Ellis appearing for appellant Ronald Restifo and by Robert P. Etienne appearing for appellant Monika Restifo. Cause ordered submitted. Court is adjourned.

H019037 PEOPLE v. PONCE

The judgment is affirmed. Appellate counsel's motion to withdraw is denied. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J., Wunderlich, J.)
Filed June 22, 1999

Sixth Appellate District

San Jose, California

WEDNESDAY, JUNE 23, 1999

H017264 PEOPLE v. VILLALVAZO

The judgment is affirmed. (not published)
(Cottle, P. J.; We concur: Premo, J., Elia, J.)
Filed June 23, 1999

H017353 PEOPLE v. NGAAGE

The judgment is affirmed. (not published)
(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 23, 1999

H018875 SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S
SERVICES v. CONNIE R.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 23, 1999

H017297 DESIGN PROFESSIONALS INSURANCE COMPANY v. GRANITE STATE
INSURANCE COMPANY

The judgment is affirmed. (not published)
(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 23, 1999

THURSDAY, JUNE 24, 1999

H018806 PEOPLE v. KESLER

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed June 24, 1999

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Cottle, P.J.;
Bamattre-Manoukian, J., Mihara, J.; and Jane Varize, Deputy
Clerk.

H016421 PEOPLE v. STREHLOW

Cause called and argued by J. Courtney Shevelson appearing
for appellant and by Raymond Cardozo, Deputy Attorney General,
appearing for respondent. Cause ordered submitted.

Cottle, P.J. leaves the bench and Wunderlich, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, June 24, 1999 (continued)

H018539 In re MICHAEL B., A Minor

Cause called and argued by Laurence Cohen appearing for appellant and by Raymond Cardozo, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018620 NICHOLS v. GOODYEAR TIRE AND RUBBER COMPANY

Cause called and argued by David S. Secrest appearing for appellant and by Anne C. Stromberg appearing for respondent. Cause ordered submitted.

H017037 FOGARTY v. APPLIED VASCULAR DEVICES; BAXTER HEALTHCARE CORPORATION

Cause called and argued by Walter R. Allan appearing for appellant and by Robin Meadow appearing for respondent Fogarty. Court will rule on motion for dismissal by parties. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Mihara, J.; and Judy Son, Deputy Clerk.

H018325 PEOPLE v. WEBER

Cause called and argued by Verna Landis appearing for appellant and by Jeremy Friedlander, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017751 PEOPLE v. MORENO

Cause called and argued by Howard Frank appearing for appellant and by Moona Nandi, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017537 CAPRARA v. CESENA, et al.

Cause called and argued by Paul Breen appearing for appellant and by Michael P. Masuda appearing for respondents. Cause ordered submitted.

H018344 GREENLAW v. STATE OF CALIFORNIA, UNEMPLOYMENT INSURANCE APPEALS BOARD

Cause called by the court. Appellant Rosemary Greenlaw is not present. Beverly Meyers, Deputy Attorney General, appearing on behalf of respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, June 24, 1999 (continued)

H017771 FRYER v. TODD LOOMIS, et al.

Cause called and argued by Ronald Fryer, appearing in pro per and by Rosemary Springer appearing for respondents. Cause ordered submitted. Court is adjourned.

H017982 PEOPLE v. GUTIERREZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 24, 1999

H018682 MC BRIDE v. STATE OF CALIFORNIA

The judgment is affirmed. Defendant is entitled to costs on appeal. (not published)
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J., Mihara, J.)
Filed June 24, 1999

H017850 JOVEL V. JOVEL & BAY VIEW FEDERAL SAVINGS & LOAN

The judgment is affirmed. The parties are to bear their own costs on appeal. (not published)
(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 24, 1999

H017815 PEOPLE v. SIZELOVE

The conviction for possession of methamphetamine is reversed. The Clerk of the Superior Court is directed to modify the abstract of judgment to reflect the reversal of this conviction and a concurrent middle term of two years on count 2, and then to transmit a corrected abstract to the Department of Corrections and other appropriate agencies. As amended, the judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P. J., Mihara, J.)
Filed June 24, 1999

H018257 PEOPLE v. ZAMARRIPA

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed June 24, 1999

H018071 In re TYRONE H., A Minor

H019142 In re TYRONE H., A Minor

The judgment is affirmed. (not published)

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(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 24, 1999

Thursday, June 24, 1999 (continued)

H017530 SUKOW, et al. v. PAGLIANO

By the Court:

The written opinion which was filed on May 26, 1999 is certified for publication. (Cottle, P. J.; We concur: Premo, J., Elia, J.) The written opinion which was filed on May 26, 1999 has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the Official Reports.

Dated: June 24, 1999 Cottle, P. J.

FRIDAY, JUNE 25, 1999

H018359 PEOPLE v. SOUSA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 25, 1999

H017059 ASH v. SCURRY-BURNS & CO., et al.

By the Court*:

Appellant's petition for rehearing is granted.
Dated: June 25, 1999 Bamattre-Manoukian, Acting P. J.
*Before Bamattre-Manoukian, Acting P. J., Wunderlich, J. and Mihara, J.

H018572 PEOPLE v. RAZO

The judgment is reversed. The matter is remanded. The trial court is directed to enter a judgment of conviction of a violation of Section 148.9, a misdemeanor. The trial court is further directed to resentence defendant accordingly, and to furnish a copy of an amended abstract of judgment to the Department of Corrections. (not published)
(Premo, J.; We concur: Cottle, P. J., Elia, J.)
Filed June 25, 1999

H018650 AMERIGAS PROPANE v. SUPERIOR COURT; SMITH, et al.

Let a peremptory writ issue directing respondent court to vacate that portion of its order of May 19, 1998, pertaining to the motions for direct verdict of real parties in interest, which grants summary adjudication of the issue of petitioner's duty to warn. Costs are awarded to petitioner. (not published)
(Elia, J.; We concur: Premo, Acting P. J., Wunderlich, J.)

Sixth Appellate District

San Jose, California

Filed June 25, 1999

Friday, June 25, 1999 (continued)

H017681 PEOPLE v JACKSON

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,
Mihara, J.)

Filed June 25, 1999

H019667 PEOPLE v. BAUTISTA

The judgment is affirmed. Appellate counsel's motion to
withdraw is denied. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Wunderlich, J.)

Filed June 25, 1999

H018886 PEOPLE v. ALLAIRE

The abstract of judgment is modified to reflect the
imposition of a \$200 restitution fine and an additional fine of
\$200 to be suspended unless parole is revoked. In all other
respects, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Wunderlich, J.))

Filed June 25, 1999

H017984 PEOPLE v. TELLEZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Wunderlich, J.)

Filed June 25, 1999

H018563 PEOPLE v. TOWNSEND

H019482 IN RE TOWNSEND ON HABEAS CORPUS

The judgment is affirmed. Defendant's petition for habeas
corpus is denied. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Wunderlich, J.)

Filed June 25, 1999

H017696 SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY v. APRIL S.

The appeal is dismissed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Wunderlich, J.)

Filed June 25, 1999

Sixth Appellate District

San Jose, California

Friday, June 25, 1999 (continued)

H018545 PEOPLE v KIDWELL

The judgment is reversed. The matter is remanded for sentencing. (not published)

(Premo, J.; We concur: Cottle, P. J., Elia, J.)

Filed June 25, 1999

H018759 PEOPLE v LEYVA

The judgment is affirmed. (not published)

(Premo, J.; We concur: Cottle, P. J., Elia, J.)

Filed June 25, 1999